

DAVID A. MERCHANT, II
Assistant Federal Defender
Federal Defenders of Montana
Billings Branch Office
P.O. Box 1778
Billings, Montana 59103-1778
Phone: (406) 259-2459
Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. BASIL PETER HERBST, Defendant.	Case No. CR-07-103-BLG-JDS MOTION TO CHANGE PLEA WITHOUT PLEA AGREEMENT
--	--

COMES NOW Defendant BASIL PETER HERBST, by and through Defendant's counsel of record, the FEDERAL DEFENDERS OF MONTANA and DAVID A. MERCHANT, II, Assistant Federal Defender, and hereby gives Notice that Mr. Herbst intends to plead guilty to counts; I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XXI, XXII, XXIII as well as admit to the Forfeiture Allegation.

Mr. Herbst continues his not guilty pleas on counts XVIII, XIX and XX.

RESPECTFULLY SUBMITTED this 15th day of February, 2008.

/s/David A. Merchant II
DAVID A. MERCHANT, II
Assistant Federal Defender
Federal Defenders of Montana
Billings, Montana 59103
Counsel for Defendant

CERTIFICATE OF SERVICE
L.R. 5.2(b)

I hereby certify that on February 15, 2008, a copy of the foregoing document was served on the following persons by the following means:

 1,2 CM-ECF

 Hand Delivery

 3 Mail

 Overnight Delivery Service

 Fax

 E-Mail

1. CLERK, UNITED STATES DISTRICT COURT

2. MARCIA HURD
Assistant U.S. Attorney

3. BASIL HERBST
Basin County Detention Facility

/s/ David A. Merchant, II
DAVID A. MERCHANT, II
Assistant Federal Defender
Federal Defenders of Montana
Billings, Montana 59103
Counsel for Defendant